

CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION 2011 ANNUAL REPORT



The Bloomington Human Rights Ordinance promotes equal opportunity in employment, education, housing and access to public accommodations, regardless of race, sex, religion, color, sexual orientation, gender identity, national origin, ancestry or disability. The ordinance also prohibits discrimination in housing on the basis of familial status.

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POLICY OF THE CITY OF BLOOMINGTON

It is the public policy of the City of Bloomington to provide all citizens equal opportunity for education, employment, access to public accommodations and acquisition through purchase or rental of real property including but not limited to housing, and to eliminate segregation or separation based on race, religion, color, sexual orientation, sex, disability, national origin, gender identity or ancestry, since such segregation is an impediment to equal opportunity. It is also the public policy of the City of Bloomington to prohibit discrimination in housing on the basis of familial status. Equal education and employment opportunities, equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

The practice of denying these rights to persons because of race, religion, color, sex, disability, sexual orientation, gender identity, national origin, familial status or ancestry is contrary to the principles of freedom and equality of the City, and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sexual orientation, sex, disability, gender identity or national origin, familial status or ancestry is the purpose of this Section.

It is also the public policy of the City to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders and lending institutions from unfounded charges of discrimination.

CITY OF BLOOMINGTON HUMAN RIGHTS ORDINANCE

Bloomington Municipal Code §2.21.020, as amended

The Bloomington Human Rights Commission usually meets at 5:30 p.m. on the fourth Monday of each month, in the McCloskey conference room of the Showers Building, 401 N. Morton. Unless otherwise specified, meetings are open to the public.

**BLOOMINGTON HUMAN RIGHTS COMMISSION
2011 OFFICERS**

CHAIR
Dorothy Granger

VICE CHAIR
Luis Fuentes-Rohwer
(1/11 – 4/11)

SECRETARY
Beth Kreitl
(1/11 – 6/11)

Byron Bangert
(5/11 – 12/11)

Carolyn Calloway-Thomas
(7/11 – 12/11)

COMMISSIONERS

NAME	TERM EXPIRES	APPOINTED BY
Byron Bangert	1/12	Council
Dr. Carolyn Calloway-Thomas	1/13	Mayor
Emily Bowman (resigned 6/11)	1/12	Council
Dorothy Granger	1/12	Mayor
Valeri Haughton	1/12	Council
Luis Fuentes-Rohwer (resigned 4/11)	1/13	Mayor
Beth Kreitl (resigned 6/11)	1/13	Mayor
Michael Molenda (appointed 6/11)	1/13	Mayor
Amy Jackson (appointed 7/11)	1/13	Mayor
Teri Guhl (appointed 11/11)	1/12	Council

2011 STAFF

DIRECTOR/ATTORNEY: Barbara E. McKinney

SECRETARY: Barbara Toddy

Chair's Report

Bloomington is a diverse, welcoming city but discrimination does exist. The Bloomington Human Rights Commission exists to enforce the Bloomington Human Rights Ordinance. In 2011, the BHRC continued its efforts to help make Bloomington a community which stands against discrimination and equal opportunity for all. In keeping with this mission, commissioners and staff concentrated efforts on three principle objectives: 1) investigating complaints of alleged violations of the Bloomington Human Rights Ordinance, 2) educating and informing community members of their rights and responsibilities regarding discriminatory practices and policies based on race, religion, color, sexual orientation, sex, disability, national origin, gender identity, familial status or ancestry, and 3) collecting data and issuing reports on hate incidents occurring in our community.

The BHRC was active in promoting resolution of human rights problems and improving the quality of life for residents. Members of the Commission were involved with the Indiana Consortium of State/Local Civil Rights Agencies to communicate about legal updates that impact Indiana communities, participate in state-wide training on fair housing and fair employment laws and host a continuing legal education program for attorneys.

Bloomington has signed agreements with the Indiana Civil Rights Commission and federal EEOC. With these agreements, BHRC and ICRC will strive to work together to provide training opportunities. There are also established practice protocol between Bloomington and the other agencies such as the EEOC on handling discrimination cases.

This year, members of the Commission collaborated with the Commission on the Status of Women, the Dr. Martin Luther King Jr. Commission, Commission on the Status of Black Males, Council for Community Accessibility and other City groups to host numerous events that highlight all that Bloomington has to offer.

As a result of three cases filed with the BHRC, staff provided training to local businesses in an effort to help them improve hiring practices and better understand fair employment requirements.

Arguably, one of the most exciting activities sponsored by the BHRC is the annual essay and art contest in collaboration with all local schools. Every year for the past 20 years, the BHRC decides on a theme related to human rights or diversity and invites area students to write an essay or create a visual display that depicts their thoughts or understanding of the topic presented. The purpose of the contest is to encourage youth to think about diversity and why people are who they are. This year we had hundreds of students submit entries with essay and art winners in the elementary and middle school categories. The ceremony, held in City Hall Council Chambers and presided over by the Mayor, is a wonderful event where students are presented with their awards and honored by their community.

The attached hate incidents report denotes the breadth of complaints fielded by the staff at the BHRC. Some of the language is ugly but the commissioners have made a commitment to share comments and complaints exactly as received so that we can understand the true nature of the problem. Making Bloomington a welcoming, safe and civil community is the responsibility of all its residents and we urge readers to help us achieve our shared goal.

Respectfully submitted,

Dorothy Granger, Chair

CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION

DIRECTOR'S REPORT 2011

In 2011, the City of Bloomington Human Rights Commission continued to meet its two central, and related, objectives: to investigate complaints in a fair and timely manner and to undertake a variety of educational activities. Investigating complaints is always our top priority, but we believe that the more educational programs we organize, the fewer complaints we likely will have to investigate.

DISCRIMINATION COMPLAINTS: In 2011, we had only three new complaints filed with us. As has long been our practice, the volunteer members of the commission continued their sometimes difficult task of investigating these complaints and deciding if there was probable cause to believe that illegal discrimination had occurred. The job of the investigating commissioner is to weigh complicated and conflicting testimony, evaluate sometimes voluminous documentary evidence and apply the relevant law. The commissioners approach this responsibility with the serious dedication it requires, and the community is the better because of their work. On average, we closed cases within three months.

All three of our new cases alleged discrimination in employment: one alleged national origin discrimination; one alleged disability discrimination and one alleged race and/or national origin discrimination.

We resolved three cases in 2011, including one pending from 2010. We (the investigating commissioner and I) found no probable cause to believe discrimination occurred in one case, which was not appealed. The other two cases were settled. One case is still pending.

As in past years, we continue to receive many complaints about alleged discrimination that occurred outside of our jurisdiction. In these cases, we often refer the complainant directly to the agency that has jurisdiction. Time permitting, we meet with the complainant, prepare a complaint and file it with the appropriate agency. In 2011, we referred approximately twelve complainants directly to the Equal Employment Opportunity Commission (the federal civil rights agency) and filed two complaints with that agency. We referred approximately three people directly to the Indiana Civil Rights Commission (the state civil rights agency) and filed one complaint with that agency.

AFFIRMATIVE ACTION AND WAGE ISSUES: Pursuant to the Bloomington Human Rights Ordinance, all City bidders with bids of more than \$10,000 are required to submit affirmative action plans to the BHRC staff for approval prior to the bid opening. In 2011, I reviewed and approved 72 affirmative action plans. In 2009, the Common Council approved the Responsible Bidders Ordinance, which

requires covered bidders to include sexual orientation and gender identity as protected categories in their affirmative action plans.

The BHRC staff also is responsible for making sure that City contractors pay their employees common wages for work done on covered City projects. Almost all federally-funded projects are covered by common wage laws pursuant to federal law; all City-funded projects costing more than \$150,000 are covered as well, pursuant to state law. In 2011, I attended ten preconstruction or pre-bid conferences, explaining to contractors their responsibilities under applicable laws. Barbara Toddy monitored compliance with these laws by answering questions from contractors and employees, reviewing wage documentation forms and writing letters to employees.

This year was the sixth year the Bloomington Living Wage Ordinance (LWO) was in effect, and the BHRC staff was assigned the job of monitoring compliance with this new ordinance. Thus far, monitoring compliance has largely been a matter of answering questions about the applicability of the ordinance, obtaining required documentation from contractors and updating the web site. To date, no one has filed a formal complaint alleging violations of the LWO.

ACCESSIBILITY ISSUES: I serve as the City's Americans with Disabilities Act compliance officer, making sure that the City, as an employer, a governmental entity and a provider of public accommodations, is meeting or exceeding its requirements under the ADA. In addition, I try to be a resource for citizens wanting to know what the law requires and for businesses with questions about their responsibilities. Under our accessibility-complaint system, people who believe a local entity is not complying with the ADA explain their concerns to me. If I agree that there is a question about the entity's compliance with the ADA, I send the entity a letter, explaining the law and its requirements. I also explain that I do not enforce the ADA; the Justice Department or another federal agency (depending upon the nature of the complaint) does. If the problem is not resolved, I refer the matter to the appropriate federal agency. This program has been fairly successful. Many respondents make the necessary changes. A continuing problem, however, is that the federal agencies are backlogged, and if complaints must be filed with them, enforcement is slow. Therefore, we work hard to make businesses aware of ADA requirements before they build or remodel to avoid having to file complaints after the fact. It's less expensive to incorporate accessibility into plans than to retrofit later, and doing so makes more businesses more accessible to our citizens with disabilities. I've also been working on the special needs dispatch program, which is helping first responders know when callers have disabilities and may need specific services. This new system went into effect in the fall of 2010 and already more than 100 people have signed up.

In 2011, the City began the arduous process of updating its ADA transition plan. I've been working with people from several City departments to accomplish this goal.

In my role as an assistant City attorney, I work with the Human Resources Department to make sure that the City is complying with applicable fair employment laws. I review our policies and procedures, provide legal assistance with internal grievances and when necessary, represent the City when formal complaints have been filed.

EDUCATIONAL PROGRAMS: Our monthly newsletter, "Rights Stuff," completed its twelfth full year of publication in 2011. In the past, we mailed this newsletter to approximately 150 businesses, attorneys, social service agencies and individuals in Bloomington and throughout the state. In 2011, we went green and now distribute these via e-mail. We also leave copies at coffee houses, book stores and at the county library. Its purpose is to inform readers of recent trends in civil rights law and to let the community know what we do. In 2011, Veronica Corsaro, City Legal Department law clerk, took over editorial assistant duties for the newsletter. I truly appreciate her help. We continue to receive a good response from our readers, including other human rights commissions in Indiana. We also regularly update and distribute our brochures on a variety of topics.

As in past years, the BHRC continued to work with like-minded groups to sponsor activities that we believe will enhance civility in our community. Some of these activities included co-sponsoring the Women's History Month Lunch in March, competing in the VITAL Quiz Bowl in April, co-sponsoring the Council for Community Accessibility Awards Ceremony in October, staffing a table at the Multicultural Fair in October, working with Bloomington United throughout the year, and contributing to the King Commission and the Commission on the Status of Black Males, among others. In September, the BHRC co-sponsored, with the ICRC, a day-long training session for lawyers, employers and landlords. Approximately 60 people attended all or part of the program.

2011 was the fifth full year that the gender identity amendment to the Bloomington Human Rights Ordinance has been in effect. The amendment prohibits discrimination on the basis of gender identity to the extent provided by law. We've put together a brochure and guidelines on the topic which have been well received by other commissions.

BUDGET: The BHRC's budget for 2011 was \$154,161. Of that, \$144,933, or about 95%, went to salaries and benefits. The remaining \$9,228 paid for office supplies, law books, instruction, advertising, printing, dues, subscriptions, consultants and workshops.

COMMISSIONER CHANGES: 2011 saw three members of the BHRC resign: Emily Bowman, Luis Fuentes-Rohwer and Beth Kreitl. All three brought

interesting insights to their position on the BHRC and all three are missed. They were replaced by Michael Molenda, Amy Jackson and Teri Guhl. I look forward to working with them and with our more senior commissioners in 2012.

Respectfully submitted,

Barbara E. McKinney
Director, BHRC/Assistant City Attorney

CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION

2005 - 2011 Comparative Data

	2005	2006	2007	2008	2009	2010	2011
New complaints within BHRC jurisdiction	8	4	5	6	9	5	3
No probable cause findings issued	2	3	4	2	2	3	1
Settlement agreements reached	4	0	0	2	1	1	2
Complaints withdrawn before determination issued	1	1	0	0	1	2	0
Cases still pending	2	1	0	1	2	1	1
Complaints drafted and forwarded to EEOC	9	8	13	12	9	10	2
Complaints drafted and forwarded to ICRC	0	2	4	2	1	2	1
Complaints drafted and forwarded to HUD	1	0	0	0	0	0	0
Complaints transferred to appropriate federal agency after partial investigation	2	0	1	0	2	0	0
Complaints dismissed for failure to cooperate	0	1	1	1	2	0	0
Complaints drafted but never signed	4	1	2	1	0	0	0
Affirmative action plans reviewed	70	72	100	55	89	73	72
Preconstruction/prebid conferences attended	6	7	12	3	5	8	10
Employer seminars and community speeches	9	4	8	10	9	13	6

**BREAKDOWN OF BHRC COMPLAINTS
2005 - 2011**

	2005	2006	2007	2008	2009	2010	2011
EMPLOYMENT	8	3	3	4	7	4	3
Race discrimination	1	2	0	0	3	2	0
Disability discrimination	1	1	0	0	1	2	1
Sex discrimination (includes sexual harassment)	2	0	0	3	0	0	0
Sex & disability and/or retaliation	0	0	1	0	0	0	0
Race & sex	1	0	0	0	0	0	0
Sexual orientation & disability	0	0	1	0	0	0	0
Race and national origin	1	0	0	0	0	0	1
Religion	0	0	0	1	1	0	0
Disability and/or race	1	0	0	0	0	0	0
Sex/religion/disability/retaliation	0	0	0	0	1	0	0
Sex/religion/retaliation	0	0	0	0	1	0	0
Sexual orientation	0	0	0	0	0	0	0
Disability and/or national origin	1	0	0	0	0	0	0
Sex/sexual orientation and/or religion	0	0	1	0	0	0	0
Sex and/or disability	0	0	0	0	1	0	0
National origin	0	0	0	0	0	0	1
HOUSING	0	0	1	1	1	0	0
Sex discrimination	0	0	0	0	0	0	0
Disability discrimination	0	0	0	0	0	0	0
Race discrimination	0	0	0	0	0	0	0
Familial Status discrimination	0	0	0	1	1	0	0
Sexual orientation	0	0	0	0	0	0	0
PUBLIC ACCOMMODATIONS	0	0	0	1	2	1	0
Race discrimination	0	0	0	1	0	0	0
Gender identity	0	0	0	0	1	0	0
Sex	0	0	0	0	0	0	0
Sex/race and/or national origin	0	0	0	0	1	1	0
Sexual orientation	0	0	0	1	0	0	0
Disability	0	0	0	0	1	0	0

CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION

SUMMARY OF 2011 CASES

BHRC DOCKET # 0640: A man with a disability said that he had been harassed at work because of his disability. He said that one customer spoke up on his behalf, and when he thanked her for doing so, he was harassed more. He felt the situation was unbearable and so he quit. He filed a complaint of discrimination in employment on the basis of disability, alleging a constructive discharge because the harassment was so severe. Our investigation failed to substantiate his charges. The customer he said spoke up on his behalf denied having done so and said she had complained about him. (Complaint filed in November, 2010; no probable cause decision issued in March, 2011; not appealed; investigated by Commissioner Calloway-Thomas.)

BHRC DOCKET #0641: A woman who was born in Italy said she applied for a job. As part of the application process, she took an on-line test. She said after she took the test, she told the interviewer that she might have missed some questions because she does not have strong reading comprehension skills when she reads English. The interviewer said not to worry about it. But then abruptly the interviewer told her she was not eligible to be hired. She filed a complaint of national origin discrimination in employment. The employer denied that the complainant had said anything about her English comprehension skills and noted that she had gotten 75 out of 76 questions correct. The one question she missed was considered a crucial question, and that is why she was deemed ineligible for employment. Nevertheless, the employer offered to settle the matter by paying the complainant what she would have earned in a month, had she worked this part-time job, \$800. The complainant agreed. (Complaint filed in June, 2011; BHRC approved proposed settlement in August, 2011; investigated by Commissioner Granger.)

BHRC Docket #0642: A woman who is on dialysis said that she applied for a seasonal job and felt her interview had gone very well. The last step in the hiring process required her to submit a urine sample for drug testing. She explained that because of her medical condition, she does not produce urine and thus could not provide a urine sample. She offered to provide a blood test at her expense to show she does not use drugs. The employer, under the mistaken impression that the dialysis would make the blood test inaccurate, rejected her offer and did not offer her a position. She filed a complaint of disability discrimination in employment. After a mediation conference, the employer offered to pay her \$1800.00. The complainant agreed. (Complaint filed in July, 2011; BHRC approved settlement in August, 2011; investigated by Commissioner Haughton.)

BHRC Docket #0643: A woman who is bi-racial (white and Native American) said she worked for a business that mainly hired Asian employees. She said she was not allowed to use the restroom during her shift, unlike other employees. She said when she told her supervisor she was planning to see what her rights were as far as restroom breaks, her supervisor called her a "lazy American" and fired her. The business denied denying her restroom breaks and denied firing her. (Complaint filed in October, 2011; investigation pending; investigated by Commissioner Jackson.)

CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION

PUBLIC INQUIRIES

The Bloomington Human Rights Commission, by ordinance, has a fairly limited jurisdiction. We are authorized to investigate complaints of alleged discrimination on the basis of sex, race, sexual orientation, national origin, color, gender identity, ancestry, religion or disability in employment, public accommodations, education or housing, as long as the complaints arose within the City limits of Bloomington within the past 180 days. We are authorized to organize educational efforts, such as seminars, talks, brochures, awards and essay/art contests, to combat discrimination. We may and we do join forces with like-minded groups to achieve our joint goals. Fulfilling our mandate under the Bloomington Human Rights Ordinance keeps us busy.

However, perhaps because of the broad name of our commission, we often receive calls about matters that are not within our jurisdiction. We try to be familiar with the applicable laws and community resources, and we try to give callers an appropriate referral or other helpful advice. Again this year, we received many calls, letters or e-mails which did not lead to complaints being filed with our office. Some people sought general legal information; some needed to be referred to other agencies; some seemed to need only a sounding board. What follows is a categorical breakdown and a summary of some inquiries for the purpose of illustration.

CATEGORICAL BREAKDOWN

Sexual Orientation/Gender Identity: Callers often had questions or concerns about sexual orientation and/or gender identity discrimination. These callers included students wanting the definition of "sexual orientation" or "gender identity" and gays, lesbians, transgender individuals and employers wanting to know their rights and responsibilities under our ordinance. Again this year, we had several calls from communities considering implementing their own sexual orientation and/or gender identity ordinance, and were glad to provide assistance in this area.

Americans with Disabilities Act: We receive many calls about the Americans with Disabilities Act. Most of the calls are from employers or employees wanting to know their rights and responsibilities under this federal law or from contractors wanting information on ADA regulations. The BHRC director, as the ADA compliance officer for the City, is quite familiar with the ADA and is able to give informed general advice and to make referrals when necessary. The City's Accessible Bloomington web page helps answer questions as well.

Housing Code Violations/Landlord Tenant Disputes: Many callers mistakenly believe we have jurisdiction over housing code problems or landlord/tenant disputes that don't involve discrimination. We refer such calls to the City's code enforcement office and/or to a private attorney.

Wage Disputes: Employees who cannot obtain their last paycheck or pension benefits often call us. These cases do not usually have a discrimination element and are referred to the State Labor Board.

FMLA: People often call us to learn about their rights under the federal Family and Medical Leave Act. We answer general questions when we are able and refer callers to the Federal Wage and Hour Division of the Department of Labor for additional information.

Workers' Compensation: We received several calls about workers' compensation in 2011. Our staff lacks expertise in this area and refers all such calls to private attorneys and the State Labor Board.

Other: Many of our calls do not fall under any of the categories. Some of those calls are described below.

OTHER INQUIRIES

Caller, a City employee, said someone had called her to ask how to deal with a dog dispute. Caller said that the citizen told her he acquired a dog while living with a woman and now they have broken up. They both want the dog. Advised to go to small claims court, a private attorney, and/or adopt a new dog.

Several callers complained about snow on the sidewalk; referred to HAND.

Caller wanted to know if BHRC would be representing the alleged shooter from Tucson, Arizona. No.

Caller said that she had just been fired from her job for sending a text to her co-worker. She said that a co-worker had started a petition to get her fired last fall. Then the co-worker quit but vowed to get the caller fired. She said the co-worker had a vendetta against her and caused "a lot of drama." She said she had trained these people and now they were "giving me the boot and throwing me under the bus." No evidence of sex, race, etc., discrimination, and employer is not located in Indiana. Referred to unemployment office and private lawyer.

Caller, a university researcher in Missouri, asked for information about our sexual orientation and gender identity amendments and how they had worked in practice. Sent him a copy of the BHRC's history on this topic.

E-mail writer said he had been suspended from his job. His supervisor had found sexually offensive graffiti in the workplace and assumed that the caller, a gay man, was responsible. E-mail writer was adamant that he was not responsible. Within hours of his suspension, the employer apparently reconsidered and rescinded the suspension. E-mail writer was still upset about his treatment and wanted to file a complaint. He scheduled an appointment but did not show up and did not respond to follow-up e-mail.

Caller had complaints about her homeowners association. They had given her an accessible parking space, but she preferred a spot adjacent to the one she had been given. Both were equidistant from her front door and both were on an accessible route. She complained that the sign said "disabled parking" instead of "handicapped parking." She wanted another space at a vacant unit to be designated as accessible parking as well and she wanted several spaces to be reserved for buses pulling into the lot. She was very concerned that people might be "flattened like pancakes." Explained that the vacant unit might be occupied any day and that by giving her an accessible space, the association had complied with the law; it was not required to designate additional spaces. Conferred with Bloomington Transit, which said the lot as currently configured did not pose any problems for its bus drivers.

Caller said she was fired eighteen months ago after she felt overwhelmed by her work and told her supervisor, "You need to help me out or I will jump off a bridge." She said this was just a comment, not a suicide threat. Supervisor required her to seek counseling and then terminated her, despite her counselor saying she could return to work. Beyond statute of limitations to file complaint.

Caller, an IU student, wanted to know BHRC's opinion about the uprising in Egypt; explained that was not within our jurisdiction.

E-mail writer said that he had been harassed by his neighbors. He said that a female neighbor asked him if he lived in his house and when he said yes, she screamed at him, saying she found him disgusting and that she believed it was disrespectful for him to live near her. He tried to ask her why she felt that way but she just kept yelling. A week later when he was taking out his trash, a vehicle slammed over his bins, drove up close to his window and flashed its lights. He is gay but lives with a female friend. He did not know if the two incidents were connected, or if the incidents were motivated by his sexual orientation, but he felt threatened. Handled by Safe & Civil City program.

Caller said she had complained to HAND about conditions at her rental property. The landlord told her she was just getting him into trouble. She called him to tell him she had locked herself out of her apartment. He didn't respond for hours and she had to call a locksmith. She wanted to file a complaint of retaliation against her landlord for having complained to HAND. Retaliation language protects only tenants who have complained to HAND and who were then evicted or threatened

with eviction because they complained to HAND, not lesser actions such as delayed responses to complaints. Referred to HAND attorney.

Woman said she worked for state agency and was "harassed and bullied" out of her job because her co-worker didn't like people who were not from Indiana. No evidence of sex, race, etc. discrimination. Not being a Hoosier is not a protected category under fair employment laws. Referred to Indiana State Personnel Division's employee relations conflict director.

Caller asked if the rumors she had heard about local large raids against allegedly undocumented workers were true; BPD said not true.

Caller asked if she could allow service dog in food storage area. ADA requires that service dogs be allowed to go anywhere people can go unless people have to wear special clothes, such as hairnets. No such requirement in this food storage area, so dog should be allowed.

Caller said landlord had moved dumpsters. He has a disability and now has to put trash in his car and drive it to the nearest dumpster. He didn't want to file formal complaint at this time; instead, at his request, we wrote landlady a letter expressing his concerns and reminding her of her obligation to provide reasonable accommodations to people with disabilities. He called back and said dumpster still had not been moved. We drafted a complaint for him. Before he filed it, dumpster was moved.

E-mail writer wanted BHRC to provide "official ADA compliance certification" for his business. Explained that no one provides "official ADA compliance certification," referred to CCA for accessibility review.

Caller said that he had been fired by his New Albany employer, possibly because he is in interracial marriage. He said Kentucky Civil Rights Commission referred him to BHRC. Referred him, in turn, to Indiana Civil Rights Commission.

Caller said he was following up on his earlier call to BHRC. Last fall, he told BHRC that a clerk coughed when he went in a store. He believed she coughed because of his race. Explained then that because the business served him, and because it would be impossible to prove she coughed because of his race and even if she did, that is not illegal, we couldn't help him. Now he wanted us to know that he had planned to apply for a job that day at an adjacent business. He was upset by the coughing incident so he stood outside the business where he wanted to apply, composing himself and playing with his iPod. He believed an employee saw him do this and reported it to management, because when he applied for the job, the manager was "curt." He believed he didn't get the job because of the coughing woman. Explained that the incident happened beyond our statute of limitations and that he didn't seem to have any evidence for his belief. Offered to write store and offer fair employment training, and did so.

Caller said her husband was an undocumented worker. His employer knew his status and hired him anyway. After years of employment without a problem, employer demanded that his employee provide a fake social security number and refused to pay him for all the hours he worked. Told caller we'd be glad to talk to her husband, but he, not she, has to be willing to file complaint. Referred to Wage and Hour Division of Indiana Labor Board.

Caller said she had mold in her apartment. It was bad enough to cause her to have infections, but not bad enough to be detectable by tests by inspectors. She said since she complained to management, the maintenance man has been harassing her, stealing her sugar when she is out, banging on the door (but he's always gone when she answers the door) removing papers from her file in the office, etc. Not a case of race, sex, etc., discrimination. Referred to Indiana Legal Services to help her get out of her lease.

Students from Mrs. Smith's third grade class at Childs wrote BHRC about their concerns regarding accessibility and about how they liked our annual diversity contest. We wrote them back, explaining a bit about the ADA and sending them coloring books and bookmarks.

Caller said she lives in a "disabled building apartment complex." Everyone who lives there has a disability. The cable company has for a long time had a contract with the landlord, but now wants to have individual contracts with tenants. Caller believes some of the tenants won't understand what they are signing up for and believes that the cable company is targeting people with disabilities to take unfair advantage. FCC ruled a few years ago that apartment managers can't require all tenants to use same cable company for fair competition reasons. As contracts expire, cable companies are now required to sign up individual tenants and not complexes as a whole.

Caller said he was upset with how a gay customer was treated at a fast food restaurant. He didn't see most of what happened, but he thought the employees were very rude to the customer. He said when he told the clerk that he was unhappy with what he had seen, she asked if he wanted his money back, and he thought that was rude as well. Offered to write the restaurant and offer fair practices training; he said he appreciated that suggestion. Restaurant manager called after receiving letter; said that a gay employee was dancing to music as he often does and was not making fun of a gay customer. She said she tried to explain that to our caller but he wouldn't accept her explanation. She said the gay customer was not upset until caller told him that the employees were making fun of him and said that he (the gay customer, not our caller) accepted her explanation.

Caller said that the property manager at his complex, which is low-income housing, "acts like a Nazi." He said that she got in his face when he complained

about the power going out. They inspect the apartments each month, supposedly for bed bugs, but he does not believe that is the real reason. They removed clothes rods from closets without notice, leaving clothes on the floor, because they said that it was a hazard to have clothes in the same area as the breaker box. No evidence of race, sex, etc., discrimination. HAND says it is a hazard to have clothes in the same area as breaker box. Referred to Indiana Legal Services.

Caller said that she has a post office box. In the past, when she forgot her key, the post office staff would get her mail for her. But now they are refusing to keep doing so. She apparently forgets her keys frequently. No evidence of race, sex, disability, etc. discrimination, and the BHRC does not have jurisdiction over the post office. Recommended that she complain to higher ups at the post office, or try to remember her key.

E-mail writer asked if children under 16 could work for their parents in the parents' business or on their farm; yes.

Letter writer, a frequent correspondent with the BHRC, wrote the mayor saying he had been in the tsunami and asked the mayor to let his sister know he was ok. His letter was postmarked from Hawaii, which was not significantly harmed by the tsunami. He did not explain why he could write the mayor but not contact his sister. He used the BHRC's address as the return address on his envelope, so when the letter was returned to the apparent sender because postage was due, it came to the BHRC, not to him. Wrote him back and suggested he contact his sister directly. Letter returned as undeliverable.

Caller said she and her husband were considering buying a building to house a potential museum. Answered questions about accessibility and made referrals.

Caller left a message after hours saying it was urgent that we call her back as soon as possible. When we called back at noon the next day, she said we had woken her up and she was irritated by that. She said she would call us back when she could get her thoughts together but has not.

E-mail writer said that he had been trying to get a job with an unnamed employer for some time, but they never even called him. His wife knew someone who worked there and sent a text message to her friend asking why her husband didn't get an interview. She received a text message back that said, "We don't hire niggers." The e-mail writer said that a friend of his who is an attorney in another state told him this would be a "huge and lucrative case" and asked us what the procedure for filing a complaint. Explained procedures; he said he would get back to us, or he might go to a private attorney. Has not called back.

E-mail writer reported finding a KKK flyer in her yard.

Caller said that she worked for a national employer with employees in Beech Grove, Indiana. She called the EEOC to report harassment and was told to call the BHRC. We in turn referred her to the Indiana Civil Rights Commission and/or the Indianapolis Division of Equal Opportunity.

Caller said that he had been held in a county jail (not Monroe County) and had not received required medical treatment. He had already filed suit in federal court and wanted our assistance. Explained we could not help in this type of case and referred him to the American Civil Liberties Union of Indiana.

E-mail writer said he was writing on behalf of a 17-year-old young man, a Latino and US citizen, who had worked several weeks for a restaurant not in Monroe County. The restaurant reported to the IRS that it had paid the man \$426.74. But in fact, they gave him only one check, for \$13.75, and that bounced. No evidence that he was treated differently because of his race and/or national origin. Referred him to the Wage and Hour Division of the State Labor Board, which helps employees get the wages they are due.

Visitors to office, who work for a union, said that it had come to their attention that a local contractor working on a government-funded project had hired undocumented workers and was not paying them the required wages. The project is not a City project. Referred to the US or Indiana Department of Labor for wage issues, and offered to meet with the employees to file a race and/or national origin discrimination complaint if that seemed appropriate. Undocumented workers typically do not want to file formal complaints.

Caller, from the EEOC, asked if Bloomington Human Rights Ordinance protects people who are harassed because their co-workers perceive them to be gay even if they are not. Yes.

Caller, a man who has frequently called and visited the BHRC in the past, said that in 2009, his landlord told him that he should move out, so he did. Then a few months later they put up a notice on his door saying he was being evicted. Now, because he has a record of an eviction, he can't get on Section 8 housing. He said the eviction case never went to court but it is still on his record. Referred to Indiana Legal Services to see if they could help resolve the issue and get the eviction off of his record.

Caller, a man who frequently calls the BHRC but never wants to file a formal complaint, said that he had again been discriminated against because of his race when he applied for a job with a local store. He said he did not have enough information to file a formal complaint, and he declined to describe what had happened when he applied for the job. He asked the BHRC to send the store a generic letter offering to do fair employment training. Agreed to do this, as we have before for him.

E-mail writer, an African American woman, said she had been closely monitored and followed by a clerk when shopping at a Bloomington store. She did not complain to the store manager because she assumed the manager supported what the clerk did. She had written a letter to the editor which she hoped made stores throughout the community aware of the problem of unfounded close scrutiny of minority customers, which she said is common. She was thinking about writing the regional office but had not done so. She said the BHRC should talk to all store owners and tell them to change their practices. We discussed the BHRC complaint process.

Caller, a woman who said she has multiple chemical sensitivity syndrome, said that she had problems in her neighborhood. The nearby dumpster does not have a lid and the fumes cause her problems. Referred to HAND. Another neighbor has a lawn mower that smells strongly of gas and she wants the City to regulate emissions. Told her that likely that is pre-empted by federal law, but referred her to her city council member. Another neighbor has a lot of trash in his yard and a rusting lawnmower that has been there for years and, she believes, is leaking gas. Told her that HAND can deal with trash issues and said that if the lawnmower hasn't been used for years, it is likely not leaking gas any more. She said trucks and cars in her neighborhood are often left idling and the fumes cause her problems. She wants the City to regulate that. Referred her to her council member. She also. she can leave during that time.

Caller said she is a white woman. One of her tenants is racist and makes that clear. She believes he is entitled to his opinion and tried to ignore him. Recently, he repeatedly used the n word in a common area of the rental property. He was loud and vulgar, and there were children nearby. She sent him a letter giving him a week's notice that she was ending his week-to-week lease. He in turn is suing her, saying she is discriminating against him because he is a bigot. Told her being a bigot is not a protected category under civil rights laws, and the first amendment does not apply when there is no governmental action. Thus, it would likely be hard for him to win his case.

Caller said she was calling on behalf of her adult grandson. He has a mental disability and has been living in a house his mother (the caller's daughter) owns. The mother has always called the property her kids' inheritance. Recently the adult grandson and the mother's husband had a dispute that turned physical and the mother and her husband ordered the grandson out. Caller wanted to know if her grandson had any rights to stay there, given that the property was his "inheritance." Explained that the property owner can change whom she wants to leave the property to, that kids don't automatically inherit from their parents, but referred to a private attorney or Indiana Legal Services for more information.

Caller, a man who frequently calls the BHRC but never wants to file a formal complaint, said that he wanted to apply for a job with a restaurant but he could apply only on-line. He said he does not have computer access at home, doesn't

like to use the computer at MCPL and said he had to pay to print if he used campus library computers. Agreed to mail him a copy of the application, and did so.

Caller said he worked for an employer outside of Monroe County. For years the employer has allowed him to sit while he works as an accommodation for his disability. He was not asked to provide medical certification. Recently, the employer said that anyone who wants to sit while they work must provide a doctor's statement with specific information about how long they need to sit each day. Explained that the ADA says that employers may request medical documentation about the need for accommodation if the need is not obvious, and that the fact that they haven't done so before doesn't mean they can't now. Referred him to EEOC as well.

Caller had a litany of complaints against a housing manager at the complex where she lives. Her story was quite confused, but she was clearly frightened by the man. She said that he comes across as a "good guy," but he's prone to violence and likes to peep in windows. She said he follows her around and so everyone in town thinks they are dating, but she "hates him completely." She said she believed he hurt someone at a peace rally but he was not arrested. She said she believes he is working on an adjacent yard where he has no need to be so the young women who live there will think he works there and will not object when he peeps in the window. She is afraid of him and said he had bit someone once. She has a month-to-month lease; she's lived there for years but can move out with a month's notice. She has complained to the landlady but nothing is done. Advised her to call Middle Way to help learn how to protect herself and the law school for a protective order.

Visitor to office who had worked on City-funded project 12 years ago said he had never received his last paycheck and wanted to know if City was holding on to it. City sends any unclaimed checks to State's unclaimed property fund; visitor's name was not on that list.

Visitor to office said he wanted to have raised outdoor seating at his restaurant and asked if that was legal; no, not if none of the seats would be accessible to people with disabilities.

Caller said he was fired from his job with an employer not within the City limits. He said he was warned about his lunch breaks and then fired because he had talked about God to a customer. He filed for unemployment benefits and said that Workforce Development had refused to listen to his arguments. He was represented by Indiana Legal Services but they won't represent him in the Court of Appeals. Explained that courts have said that employer may prohibit employees from talking about religion to customers and referred to MCHRC.

Caller, from Oklahoma, said that her community did not have a human rights ordinance. Her local YMCA offers a family membership discount, but does not

allow unmarried couples (straight or gay) to use the discount. She was researching other communities and called the BHRC to find out why we did not include marital status in our list of protected classifications. Explained that it was in the Bloomington Human Rights Ordinance at one time, even though it's not in the state list of protected classifications, but was removed when the state court of appeals limited the BHRC's authority. Since then, the BHRC has rarely if ever had questions about marital status discrimination; it doesn't seem to be a pressing issue in 2011. She said it was still in Oklahoma. She said she is soon moving back east so she could live in the 21st century.

Several callers expressed interest in applying for the Bloomington Human Rights Commission vacancy; answered questions and explained how to apply for the council vacancy.

Caller said that he was sure that Lauren Spierer was still alive and in fact had been found the day after she disappeared, but that the family and authorities were covering this up for vague conspiratorial reasons. Thanked him for his insight.

Caller said she is African American and said that no matter where she goes, she is not treated with respect. The two examples she cited were not subject to the jurisdiction of the BHRC. Made referrals/gave suggestions/discussed issues in general.

Caller wanted to know why uVerse does not include local public access channels. Referred to City's ITS department and City's Telecommunications Council.

E-mail writer said she had served on the Human Rights Commission as a youth and wanted to get involved again. Noted that her name was not familiar and that she was from Bloomington, Minnesota; asked her if she was looking for the Bloomington, Minnesota HRC and she said yes.

E-mail writer said she knew of a new student at IU. He's from India and has a disability. He found an apartment on-line and had told the landlord about his disability. Now that he's in Bloomington, he's found it hard to maneuver from the parking/bus stop area to his apartment and thinks it will be harder when the weather gets bad. The landlord does not want to put in a ramp. Explained that landlord has to put in a ramp for a tenant who needs it at tenant's expense; HAND has money to help pay for ramp for qualified individual. Offered to write letter explaining the law. HAND offered to help with application process. Referred to IU Student Legal Services, which can represent IU students.

Caller said he had a case pending in federal court about the City's policy that citizens have limited time to speak at public meetings. He said he had a disability and wanted the BHRC to represent him in this case. Explained that the BHRC,

which is part of the City, cannot ethically represent someone in his case against the City. Tried to explain that he wanted an impartial advocate, not someone who worked for the party he was suing, and tried to make referrals to someone who could possibly help him. He asked if he could file a tort claim against the BHRC. Explained that we could not give him legal counsel.

Caller said that she is from New York, but her son, his wife and their children live in Bloomington. She said that landlord is trying to evict them for having a dog, but they don't have a dog, and for having a van parked in the lot that does not have a license plate, but they can't afford the license plate. She said they have rented the apartment for three years. She thinks this may be discrimination because her son is Mexican and because the children have disabilities, but she also said the landlord has evicted or tried to evict 30 families recently. Because of a conflict of interest, referred to Indiana Legal Services, IU School of Law and/or Indiana Civil Rights Commission.

Caller said that her lease requires her to mow her lawn. If she doesn't, the property manager does and charges her. She says the property manager mows her lawn when it doesn't need it, when it hasn't rained in weeks, and charges her, but does not do the same for her neighbors whose grass is taller than her six-year-old son. She said her son is biracial but that is not why the landlord picks on her; the property manager picks on her because the caller proved that she was paid up on rent when the new property manager took over, contrary to what the books showed. Not a protected class. She's an IU student so she will call Student Legal Services.

Caller said he was referred to BHRC by a friend who knew that BHRC worked with Bloomington United. He said that he had been charged with criminal trespass and had been offered pre-trial diversion, including two days of roadwork and a one-year ban from campus. He said the charge for his activities, which he did not specify, seemed excessive and unfair as well as possibly discriminatory and/or an instance of profiling. He said he is a mentor for students and does not want to be banned. Explained to him that BHRC does not represent people in criminal matters; referred to private lawyer, public defender's office, chief of police department and/or ACLU of Indiana.

Caller said that she and her husband had complained to the City about the condition of their apartment. She said when she complained, she told the City inspector that she feared her landlord would retaliate by complaining to the animal shelter that she and her husband mistreated their dog. Once they complained, the landlord did in fact file a report with the animal shelter alleging they had abused their dog. She said the landlord's allegations were totally unfounded. Explained that City ordinance says landlords may not evict people for complaining about housing conditions, but it says nothing about reporting alleged animal abuse to the shelter; explained that shelter staff would do a fair investigation; referred to attorney who handles HAND housing issues.

Caller said that she is legally blind, but she can read large print. She is trying to get assistance from the state, but they refuse to provide her documentation in a large print format. BHRC does not have jurisdiction over state agency; referred to Indiana Civil Rights Commission, Department of Justice's ADA complaint office and/or private attorney who specializes in disability law.

Caller said that her daughter is being discriminated against. No one will hire her because she has many tattoos, including on her fingers and arms. Explained that was not a protected category and mentioned places such as skateboard stores and funky Bloomington restaurants that apparently don't care if their employees have numerous tattoos. She said it was ridiculous that fast food restaurants hire "dope heads and drunkies" but won't hire her daughter.

Caller said that her landlord won't do anything about the bug infestation in her apartment. She has numerous gypsy moths and maggots in her unit. She believed this could cause a health concern and thus would be a violation of the ADA. Not a violation of the ADA, but may be a violation of the City's rental property maintenance code. Referred to Housing and Neighborhood Development Department.

Caller, an African American woman, said she was falsely accused of theft. She felt she had been racially profiled and wanted to file a discrimination complaint, but her lawyer told her to clear her name first. Fourteen months after the initial accusation, a jury found her not guilty. She wanted to file a complaint with the BHRC, but complaints must be filed with the BHRC within 180 days of the alleged discrimination. She said she had filed an internal complaint with the business and that should count, but it doesn't. She said she lost two part-time jobs because of the unfounded arrest. Recommended she talk to a private attorney to see if she has any private cause of action.

Caller said she has a month-to-month lease on a cabin in the woods; she's lived there four years. Her landlord said she had not paid her electric bill, but she had, and she proved to him that she had. This annoyed him and he said he was giving her a month's notice to move out. She has a disability and lives on a limited income; moving would be expensive, and she really likes living there. With a month-to-month lease, he has right to make her move with a month's notice, and she has right to leave with a month's notice. No evidence that he was cancelling her lease because she has a disability. Referred to Legal Services of Indiana, Bloomington Housing Authority, 211 and/or Indiana Law School clinic.

E-mail writer, a local landlord, asked if a landlord has to allow a miniature pig (under 20 pounds) as an emotional support animal in a no-pets complex. If the tenant has a disability and has medical documentation that the pig provides him with assistance, yes, barring a direct threat to health or safety.

E-mail writer, a student with an imminent deadline, asked McKinney if she had seen the human rights quilt exhibit at Mathers and if so what did she think. When McKinney said no, he asked her what she thought in general about human rights and quilting and asked that she respond immediately. Responded by saying quilting is an art form, and expressing your thoughts about issues such as human rights through your art seems like a good thing to do.

Caller said that her son had moderate to severe autism and frequently gets into trouble at school. He was just suspended for three days. She needed help getting her son the help he needs. Referred to autism resource group.

E-mail writer said she was a grade school student from Russia and wanted any pens, magnets, etc., that we might be willing to give her and her classmates. Referred to mayor's office, which may have more swag than we do, and offered activity books to include with whatever they send.

Caller wanted to know if BHRC was organizing Shop with a Cop again this year. Explained that we had never done that and referred to BPD.

Visitor to office complained that there was not proper accessible parking in the parking lot of the nursing home where his son lives. Verified complaint and wrote nursing home a letter explaining the problem. Facility agreed to correct problem.

Caller said that he has a disability and does not drive. His apartment complex has an accessible parking space. A tenant with a disability who drove moved out, and now everyone parks there. He thinks it should be reserved for a van that picks him up, even though he can get to the van in the parking lot. He scheduled an appointment but then cancelled.

E-mail writer said he was disputing his city utility bill and wanted McKinney to resolve the problem. He also insisted, in repeated e-mails, that McKinney provide him with his nine-digit zip code. Tried to answer question/make referrals.

E-mail writer, from social service agency, asked McKinney if a quit-claim deed would be proper way for a dying client to transfer property to his son, who has cognitive limitations. Referred to private attorney.

Caller had questions about the federal E-Verify program which the state now requires recipients of City grants exceeding \$1000 to participate in. Tried to answer questions.

Caller, a man who worked in Indianapolis, said the EEOC told him to call the BHRC. He had just quit a job on friendly terms but has not received his final paycheck. Referred to Indiana Labor Board. He said his former employer watched him constantly, which he said was clearly illegal. It's not unless the surveillance included restrooms or changing rooms.

BLOOMINGTON HUMAN RIGHTS COMMISSION
HATE INCIDENTS REPORT
July 2010 – June 2011

In August 1990, the Bloomington Common Council unanimously approved an amendment to the Bloomington Human Rights Ordinance which gave the Bloomington Human Rights Commission the explicit authority to collect data and issue reports on hate incidents in our community. We accept reports from police departments, individuals, groups and the media. We also accept anonymous reports. Our goal is not to investigate these incidents, as we do not have the training, authority or resources to conduct these types of investigations. Rather, our goals are to serve as a referral resource and sounding board for victims, to work with community groups to coordinate responses to hate incidents when appropriate and to make our community more aware of the prevalence of hate incidents through issuing these annual reports. [Note: In the past we have not used the specific offensive language in these reports. We now use the actual terms when known, to avoid confusion and to convey better the true ugliness of these incidents.]

In July, 2010, we received a report from BPD about harassment. A white man said he had been in court earlier that day with his ex-wife. He said that his ex-wife was accompanied in court by two men, an older white man and a younger bi-racial man. He said during the hearing, the bi-racial man "continued to surreptitiously give him the finger." After the hearing, his ex-wife called and asked for more money. He refused, feeling "he had given her enough." Then an unknown man got on the phone, screamed and cussed at him, calling him a "bitch" and a "white boy," which he found racially offensive. The ex-wife denied calling him and said that the man just told her ex-husband to stop calling her. BPD told both the man and the woman to stop talking to each other.

In August, 2010, the day the HT ran a story on our July 2009 – June 2010 hate incidents report, we received a message from an anonymous caller. He said that he was driving and took a corner a bit fast, not dangerously fast, but fast enough that he disturbed some gravel. When he turned into a parking lot, people drove by him and screamed "White power." He said he was ready to take them on, but they drove off. He did not specify his race in the voice mail message and did not leave his phone number or name.

In August, 2010, we received a report from BPD about a fight at a bar. A white male patron, apparently intoxicated, said "I own every black person in this bar." Two black men who were present hit him in the face and left. The white man was arrested for public intoxication. He did not know the names of the black men and did not want to press charges.

In August, 2010, we received a report from BPD about derogatory comments. A man said he was walking downtown in the afternoon when two men in a passing

car shouted, "You fucking faggot. You walk like you have a pickle stuck up your ass." BPD told the man that if they came across people who matched his description, they would speak to the people and try to resolve the conflict.

In September, 2010, we received a report from BPD about a battery. An African American man gave various versions about what had happened. The incident occurred at about 3 a.m. in the downtown bar area. The man said he had been jumped by four white men. One of the white men hit him in the face twice and he in turn shot his gun twice. He also said that he had been walking down the street when he heard some people behind him talking. One of them used the word "nigger." He confronted them about the use of this word and one of them hit him in the face. He said he fell and shot his gun twice in their direction. He also said that he had shot his gun four times, in the air, to prevent further battery. He also said that he had shot his gun four times after the men ran away because he needed help after being hit and he knew that shooting his gun in the downtown area would "prompt a fast response from law enforcement in order for him to get help." BPD took him to the hospital for medical treatment (his jaw was broken) and then charged him with criminal recklessness with a deadly weapon, felony/intimidation with a deadly weapon and public intoxication.

In September, 2010, we received a report from BPD about a battery at a school. A student said that he had been reading "Romeo and Juliet" when some other kids started calling him "gay" and pushed his books off the table. He said one of the students pushed him when the bell rang and he pushed back and hit him in the face, causing his nose to bleed. The student who was hit said that he had accidentally knocked the books off and that he was surprised when he got hit. A witness said she heard the other students call the book the boy was reading "gay" and calling the boy that as well. BPD referred the student who had hit the boy to juvenile probation for battery.

In September, 2010, we received a report from BPD about a battery on Kirkwood at about 9 p.m. An officer saw two men yelling at each other. The officer broke up the argument. One of the men said a third man, who was nearby, had called him a "faggot." He said he was gay and that he tired of this man's verbal abuse and got into a verbal argument with him. Then the man whom he had been yelling at when the police came intervened, stepped in front of him, hit him with his cane and punched him in the face. The gay man said he wasn't hurt because he is "tough." He didn't want to press charges. The officer talked to the man who had allegedly initially called the victim a "faggot." He admitted he had done so, that day and previously. He said the victim had threatened to beat him up for calling him that. The officer explained Indiana's provocation law and advised him that if he made statements like that, he could entice people to batter him. The man said he would leave the victim alone. The man who allegedly hit the victim denied having done so.

In September, 2010, we received a report from BPD about a battery. A man said he had been walking home at 3 a.m. from the downtown bar area when four men approached him. One of them called him a "faggot," told him he did not need to be out at night and pushed him into a newspaper box. After he was pushed, the four men ran into a parking garage. BPD tried to find the men in the parking garage but were unable to do so.

In November, 2010, a woman called to report that a high school student she knew had been beaten up after and had property stolen from her at school after coming out as gay. Complaints had already been filed with the school and with law enforcement.

In November, 2010, we read newspaper accounts saying that four Asian IU students had been the victim of a racial slur, theft and assault. According to the initial reports, five African American men and three African American women made a racial slur against the Asian students, attacked two of them and robbed three of them. Later reports said that IUPD arrested one suspect and contacted the FBI to see if the Asian students' civil rights had been violated. The Asian students said that they had been walking to their dorm at 4 a.m. when they were approached by eight African American men and women. After a verbal altercation that included a racial slur directed at the students, two of the Asian students were beaten and three were robbed. One of the Asian students was treated at the hospital for a broken jaw. Another Asian student said he had been struck in the head but he refused medical treatment; he said his headphones and iPad had been stolen. Another Asian student reported the theft of his iPod and headphones; another reported the theft of his cell phone.

In November, 2010, we received a report from a member of the public. The county library reported that ten books, all relating to Judaism, had been taken to the restroom and damaged by water. Several other anti-Semitic incidents were reported that month, mainly on campus, and BPD arrested an IU employee and charged him with some of these offenses.

In November, 2010, we received a report from BPD about a battery. Two roommates had a dispute about a messy apartment and who ate the food in the refrigerator. The argument included shoving, threatens with a knife and a board and the use of the word "nigger."

In November, 2010, we received a report from BPD about harassment. A discussion in front of a bar at 3 a.m. got out of control. One participant, trying to calm things down, said, "It was not wise to exacerbate this situation." Another participant said, "Exacerbate masturbate what the fuck ever, you are a faggot," and punched the first person. Bystanders split the two apart. The second participant was charged with public intoxication and battery.

In February, 2011, we received a report from an individual, a white man, who provides security for a public accommodation. He said a patron of the establishment, an African American man, was drunk and so he asked the patron to leave. In response, the patron said, "Fuck you, you racist crack motherfucker." The security officer then banned the patron from the establishment for a week.

In February, 2011, we received a report from BPD about an assault. A man, race not given, said he had been speaking with a light-skinned African American man at his building. He had seen this man around before and they had spoken. He said this man in the past had called him "nigger." This time, while they were speaking, he called the man, "my nigger." The African American man punched the victim in the forehead. The victim fell to the ground and put his hands out in front of him. He landed on his thumb, breaking it and causing the bone to be exposed. Because of the broken bone and the large amount of blood BPD found, BPD called an ambulance and attempted to investigate.

In April, 2011, we received reports that several people in one neighborhood found KKK flyers littering their yards.

In April, 2011, we received a report from BPD about a battery. Two men said they were walking near campus at about 12:30 a.m. They passed three men. One of the three men shoved one of the two men as they passed and called the two men "fucking faggots." He then shoved the same man two more times before the first man's friend could try to intervene. He then pushed the friend several times and punched him in the mouth. Two women walking by knew the suspect's name, but by the time police arrived, the suspect was gone, and police were unable to find him. The two victims said they didn't want the suspect arrested but they wanted the police to tell him not to do this kind of thing again.

In April, 2011, we received a report from BPD about a battery. A man who had lost custody of his son seven years earlier went to the foster home where the boy was living, wanting to talk to him. The foster parents, a gay male couple, told him the boy did not want to see him. A verbal altercation followed, during which the biological dad called the foster parents anti-gay slurs, told them they were living in sin and said he was going to kick their asses. When the biological father's wife (not the boy's mother) tried to get him to leave, he pushed and grabbed her. He was arrested and charged with domestic battery, criminal trespass and intimidation.

BLOOMINGTON HUMAN RIGHTS COMMISSION

STEPS IN PROCESSING A FORMAL COMPLAINT

1. Complainant who believes he/she has been discriminated against makes an appointment with the staff.
2. The director or assistant interviews the complainant to determine if the BHRC has jurisdiction. If we do, the complaint is written, signed and notarized. If not, the complainant is referred to the appropriate agency.
3. The respondent is notified of the complaint by certified mail and has 20 days to respond.
4. The case is assigned to a commissioner, who will investigate the complaint along with the director.
5. The director and investigating commissioner collect and summarize the facts. They interview both parties and witnesses, do legal research and collect documentation to obtain the best evidence available for each side.
6. If the respondent wishes to settle the complaint before an investigation is completed, the director and investigating commissioner strive to mediate a settlement between the complainant and respondent. This agreement must then be approved by the full BHRC.
7. If the case is not settled, the director and investigating commissioner, after a complete investigation, make a determination that probable cause or no probable cause exists to believe discrimination has occurred.
8. Both parties are notified of the finding.
9. If the finding was no probable cause, the complainant has 10 days in which to file a written appeal with the chair of the BHRC. A hearing is then held and the chair has 20 days to either uphold the finding or overturn the finding. If the finding is overturned, then the case proceeds to negotiations as if probable cause had been found originally.
10. If the finding is probable cause, the director and investigating commissioner attempt to negotiate a settlement that is agreeable to both parties. If the attempt is unsuccessful, the BHRC will hold a formal public hearing. The BHRC's decision after the hearing can be appealed to court by either party.



OUT OF THE MOUTHS OF BABES

Each year the BHRC sponsors an essay/art contest for local school-age children. This year the theme for grades 1 – 8 was “Why I Care About Diversity.” The following are excerpts from some of this year's winning essays.

- ♦ “Everyone is born unique. We all look different, act different, and have different gifts. People have to treat other people with respect. So the world can be an awesome place to call home.”
- ♦ “People get bullied for their religion. But you can stop this. Go, help these people, and when you do, you will be standing up for them and yourself.”
- ♦ “Not only do we all ‘play’ differently, just like each instrument has its own unique sound and quality. However, when we work together and accept our differences, we can make a totally different sound.”
- ♦ “Susan B. Anthony knew that women could do so much more than people gave them credit for, so she made a difference. Martin Luther King, Jr. had a dream that all people, no matter their race or ethnicity, could make their mark on history; so he made a difference. And I believe we all can learn something from their wisdom and greatness. We all can make a difference.”

2011 Essay Winners

Ava Crees
Emma Rodes
Luke Smethurst

Mac Vogelsang
Emily Long
Adam Diersing

Katcha Papesh
Melina Raglin

2011 Art Winners

Noah Moore
Anna Crombar
Stella Winterman

Sarah Berry
Milo Roeder
Robby Gonyea

Jordan Shields
Mrs. Smith's Third Grade
Child's Thursday Morning
Art Class

2012 BLOOMINGTON HUMAN RIGHTS COMMISSION

MEETING DATES

January 23, 2012	5:30 p.m.	McCloskey Room
February 27, 2012	5:30 p.m.	McCloskey Room
March 26, 2012	5:30 p.m.	McCloskey Room
April 23, 2012	5:30 p.m.	McCloskey Room
*May 24, 2012	5:30 p.m.	McCloskey Room
June 25, 2012	5:30 p.m.	McCloskey Room
July 23, 2012	5:30 p.m.	McCloskey Room
August 27, 2012	5:30 p.m.	McCloskey Room
September 24, 2012	5:30 p.m.	McCloskey Room
October 22, 2012	5:30 p.m.	McCloskey Room
November 26, 2012	5:30 p.m.	McCloskey Room
*December 17, 2012	5:30 p.m.	McCloskey Room

The Human Rights Commission usually meets every fourth Monday of the month, with the exception of the May and December meetings.

Meetings will be held in the Showers Building, 401 N. Morton St., McCloskey Conference Room #135, on the first floor. The public is welcome to attend.

FORMER COMMISSIONERS

1960s

Rev. E. Daniel Butler
Mrs. David Dansker
Jack N. Ray
Dr. Harry Yamaguchi
William H. Andrews
Rev. Robert Kirk, Sr.
Rev. A. Hardy Nall, Jr.

David S. McCrea
Dustin McDonald
Mrs. Betty Rowan
Robert F. Terry
Regina Friedman
Irving Fell
Mrs. Russell DeMotte

Bill Hayes
Dr. Harry Day
Samuel M. Loescher
E.E. Bridgewaters
Rev. Joe Emerson
Brad Bayliss
Craig Tregilgas

1970s

Frank Thomas
Clarence Gilliam
Dr. Joseph Russell
Dr. Jerry Ruff
La Verta Terry
Father Robert Borchertmeyer
Joan Simkowitz
William Jairrels
Wilanna Smith
John Irvine
Tobiatha Eagleson
Viola Taliaferro

Howard Canada
Christine Iannucilli
Daniel Gad
Valerie Tarzian
Robert Tucker
Frederick LaCava
Christine Mitchell
William Gephart
Mary Mitchell
Ronald Foley
Fran Koski
Robert Epps

Jorge Oclander
Mary Foster
Tula Kavadias
Mark Schenk
Charles Webster
Quincy Erickson
Mary Hayes
Rev. Joseph Walker
Richard Randall
Rev. William Webster
David Jimenez
Robert Cole

1980s

Robert Cole
John Pickel
Quincy Erickson
Tobiatha Eagleson
Ron Foley
George Foster
Tula Kavadias
Christine Mitchell
Jorge Oclander
Doris Sims

Bob Tucker
Ben Waxler
Frona Powell
Nora Peoples
Lorraine Rodts
Lorelei Meeker
Bridget McKinney
Chris Gardner
Jerry Vuke
Wilanna Smith

Roscoe Ellis
Bob Dunn
Edwin McClean
Rev. Charles Rogers
Mary Ellis
Wanda Reisz
Lauren Robel
Cassandra McConn
John Pickell

1990s

Harry Yamaguchi
Mary Ellis
George Foster
Henry Hofstetter
Steve Sanders
Dr. Michael Wenzler
Alan Yip

Marie Phillips
Charlie Laganza
Barbara Fawcett
Bob Dunn
Lauren Robel
Rev. Greg Wilson
Barbara Wolf

Patty Muller
Doug Bauder
Dr. Fritz Lieber
Gwen Jones
Rev. Michael Anderson
Jack Hopkins
David Reidy

2000s

Dr. Fritz Lieber
Steve Sanders
Vicki Pappas
Pam Huggins
Jeff Harlig

David Reidy
Josh Cazares
Doug Bauder
Nancy Metz
Maria del Pilar File-Muriel

Rev. Michael Anderson
Melanie Castillo-Cullather
Suzette Sims
Shaunica Pridgen

2010s

Luis Fuentes-Rohwer

Beth Kreidl

Emily Bowman